
By: **Delegates Boutin, Cane, Owings, Weir, and O'Donnell**
Introduced and read first time: February 7, 2003
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Expanded Deer Management**

3 FOR the purpose of authorizing the Department of Natural Resources to include
4 certain Sundays as part of certain deer hunting seasons; limiting Sunday deer
5 hunting to privately owned lands; requiring a person to obtain certain
6 permission before deer hunting on a Sunday; providing that certain provisions of
7 law authorizing Sunday deer hunting do not apply in certain areas of the State
8 or to the hunting of certain deer; increasing the fines for trespassing while deer
9 hunting on any day; requiring the Department annually to report and make
10 recommendations to certain committees of the General Assembly regarding
11 certain aspects of its deer management plans; defining certain terms; making
12 certain technical corrections and stylistic changes; and generally relating to
13 Sunday deer hunting in certain areas of the State.

14 BY repealing and reenacting, with amendments,
15 Article - Natural Resources
16 Section 10-405(a), 10-411, and 10-415
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2002 Supplement)

19 **Preamble**

20 WHEREAS, The current population of deer in the State of Maryland, which is
21 estimated at more than 250,000, is far beyond what the available habitat can
22 accommodate; and

23 WHEREAS, Despite the disruption of rural habitat areas because of
24 development projects and recreational uses, deer are remarkably adaptable to
25 residential areas, including urban and suburban sprawl areas, where they enjoy
26 safety from natural predators and hunters; and

27 WHEREAS, As demonstrated by a 1998-1999 survey of Anne Arundel,
28 Baltimore, Howard, Montgomery, and Prince George's counties in which the number
29 of deer in the areas studied increased by approximately 50% in the course of only 1
30 year, this population is not only thriving but reproducing at a startling rate; and

1 WHEREAS, When a deer herd reaches its upper density limits, as is now the
2 case, the results are the poor health and weakened physical condition of the animals
3 themselves, as well as their overconsumption of native plants, shrubs, and trees that
4 are necessary for the survival of other species in the natural ecosystem; and

5 WHEREAS, In tandem with this multiplication of the deer population have been
6 alarming spikes in the rate of tick-borne illnesses transmitted to human beings, such
7 as Lyme disease; and

8 WHEREAS, The rate of reported deer-vehicle collisions has more than doubled
9 in the State since 1990, and these collisions have caused multiple fatalities and
10 serious injuries; and

11 WHEREAS, Deer-vehicle collisions likewise cause property damage of about
12 \$10 million per year, which, in turn, leads to higher insurance rates for all drivers;
13 and

14 WHEREAS, A recent University of Maryland study found that, because of deer,
15 92% of the State's farmers suffer damage to corn, wheat, and soybean crops, an
16 annual economic loss in excess of approximately \$33 million which is considered a
17 conservative estimate because it does not include damage to fruits, vegetables, and
18 other crops; and

19 WHEREAS, Nonlethal control mechanisms, such as fencing, fertility control,
20 repellents, relocation, deterrent reflectors along roadways, and behavior modification
21 by the installation of lights, have proven largely ineffective because they cannot be
22 used routinely and inexpensively and moreover, they impact only a small number of
23 deer; and

24 WHEREAS, Extended research has shown that hunting is the most effective
25 method to reduce the size of the deer herd, and it is likewise the most cost-effective
26 method to do so; and

27 WHEREAS, Since the annual revenue associated with deer hunting in
28 Maryland is approximately \$156 million, hunters provide a significant boost to local
29 economies, and their license fees also cover all associated program costs; and

30 WHEREAS, The increased harvest of deer by hunting is thus necessary for the
31 public interest and to stabilize the deer population and manage it more appropriately;
32 now, therefore,

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
34 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Natural Resources

2 10-405.

3 (a) (1) Pursuant to § 10-205 of this title, the Department shall establish by
4 regulation and publish by July 1 each year the open season[, excepting Sundays,] to
5 hunt [the] forest and upland game birds and mammals.

6 (2) EXCEPT AS PROVIDED UNDER §§ 10-410 AND 10-415 OF THIS
7 SUBTITLE, THE DEPARTMENT MAY NOT AUTHORIZE HUNTING ON A SUNDAY.

8 10-411.

9 (a) Except as otherwise provided, a person may not come to hunt upon any
10 pretense whatever on lands owned by another person without the permission of the
11 landowner or the landowner's agent or lessee. Any person hunting on private property
12 shall be liable for any damage he causes to the private property while hunting. The
13 landowner is not liable for accidental injury or damage to the person, whether or not
14 the landowner or the landowner's agent or lessee gave the permission to hunt.

15 (b) (1) A person may not upon any pretense come to hunt on the lands owned
16 by another person without the written permission of the landowner or the
17 landowner's agent or lessee. Any person hunting on this private property is liable for
18 any damage the person causes to the private property while hunting on the private
19 property. The landowner may not be liable for accidental injury or damage to the
20 person whether or not the landowner or the landowner's agent gave permission to
21 hunt on the private property.

22 (2) The provisions of this subsection apply only in the following counties:

23 (i) Allegany County;

24 (ii) Anne Arundel County;

25 (iii) Baltimore County;

26 (iv) Calvert County;

27 (v) Carroll County;

28 (vi) Cecil County;

29 (vii) Charles County;

30 (viii) Frederick County;

31 (ix) Garrett County;

32 (x) Harford County;

33 (xi) Howard County;

- 1 (xii) Montgomery County;
- 2 (xiii) Prince George's County;
- 3 (xiv) St. Mary's County; and
- 4 (xv) Washington County.

5 (c) In Allegany, Anne Arundel, Baltimore, Carroll, Charles, Garrett,
6 Frederick, Wicomico, Somerset, Howard, or Worcester counties, a person may not
7 enter or trespass upon land owned by another person for the purpose of hunting deer
8 on the land with gun, rifle, bow and arrow, or any other means without first securing
9 the written permission of the landowner or the landowner's agent or lessee. Any
10 person hunting deer on land owned by another person shall exhibit written
11 permission upon the request of any Natural Resources police officer, any law
12 enforcement officer, the landowner, or the landowner's agent or lessee. The Natural
13 Resources police officer or any law enforcement officer shall arrest any person
14 hunting without written permission upon the request of the landowner or the
15 landowner's agent or lessee.

16 (d) (1) In Anne Arundel, Caroline, Carroll, Cecil, Frederick, Howard, Kent,
17 Prince George's, Queen Anne's, Talbot, and Washington counties, a person who hunts
18 with a gun or other weapon upon the lands of another without first obtaining written
19 permission from the owner or possessor of the land is guilty of a misdemeanor, and
20 [upon conviction of a first offense is subject to a fine not exceeding \$1,000. Upon
21 conviction of a second or subsequent offense, the person is subject to a fine not
22 exceeding \$2,000], EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
23 ON CONVICTION IS SUBJECT TO:

24 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000; AND

25 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT
26 EXCEEDING \$2,000.

27 (2) A PERSON WHO HUNTS DEER ON LAND OWNED BY ANOTHER PERSON
28 IN VIOLATION OF THIS SECTION OR § 10-415(B)(2) OF THIS SUBTITLE IS GUILTY OF A
29 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

30 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$3,000; AND

31 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT
32 EXCEEDING \$6,000.

33 10-415.

34 (a) IN THIS SECTION, "DEER" INCLUDES:

35 (1) WHITE-TAILED AND SIKA DEER; AND

36 (2) ANTLERED AND ANTLERLESS DEER.

1 (B) (1) There are the following 3 seasons to hunt deer:

2 [(1)] (I) Deer bow hunting season;

3 [(2)] (II) Deer firearms season; and

4 [(3)] (III) Deer muzzle loader season.

5 (2) (I) A PERSON WITH A HUNTING LICENSE MAY HUNT DEER ON A
6 SUNDAY ONLY ON PRIVATELY OWNED LAND WITH THE WRITTEN PERMISSION OF
7 THE LANDOWNER OR THE AGENT OR LESSEE OF THE LANDOWNER:

8 1. IN NOVEMBER, FOR ANY DEER SEASON THAT INCLUDES A
9 SUNDAY; AND

10 2. IN DECEMBER, FOR ANY DEER FIREARMS SEASON THAT
11 INCLUDES A SUNDAY.

12 (II) THE SUNDAY DEER HUNTING PROVISIONS UNDER THIS
13 PARAGRAPH DO NOT APPLY:

14 1. IN ANNE ARUNDEL, BALTIMORE, HOWARD, MONTGOMERY,
15 OR PRINCE GEORGE'S COUNTIES;

16 2. IN BALTIMORE CITY AND THE CITY OF FREDERICK; AND

17 3. IN THAT PORTION OF FREDERICK COUNTY THAT IS
18 LOCATED SOUTH OF INTERSTATE 70 AND EAST OF U.S. ROUTE 15; OR

19 4. TO THE HUNTING OF SIKA DEER.

20 [(b)] (C) (1) Every person killing a deer shall report with the deer to a
21 designated checking station within 24 hours after killing the deer.

22 (2) Notwithstanding any requirement of law, if the designated checking
23 stations are closed in the county where a person kills a deer, a Natural Resources
24 police officer shall authorize the person to report with the deer to a designated
25 checking station in another county.

26 [(c)] (D) (1) [Subject to subsection (d)(3) of this section, a] A person with a
27 hunting license also may purchase bonus deer stamps from the Department.

28 (2) A bonus deer stamp allows a person with the hunting license to hunt
29 1 deer for each stamp purchased in any of the following hunting seasons for deer in
30 the State:

31 (i) Deer bow hunting season;

32 (ii) Deer muzzle loader season; and

33 (iii) Deer firearms season.

1 (3) An individual who purchases a bonus antlered deer stamp but does
2 not use it during a particular season may use that stamp during any subsequent
3 season in that hunting license year.

4 (4) The fee for each bonus antlered deer stamp issued in accordance with
5 this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

6 (5) The Department may establish by regulation the type and number of
7 deer stamps issued under this subsection if necessary to control the deer harvest in
8 various areas of the State.

9 (e) A person may not remove the head or hide or any part from any deer,
10 except internal organs, or cut the meat into parts until the deer has been checked by
11 the Department or 1 of the Department's agents at a designated checking station.
12 Removal of the head or the hide of any deer not checked at a designated checking
13 station shall be prima facie evidence that the deer was hunted illegally. Each separate
14 deer or part of any deer taken illegally or found in possession shall be considered a
15 separate offense.

16 (f) Any person who, while operating a motor vehicle on any highway in the
17 State, accidentally strikes and kills a deer on the highway may have the deer if the
18 person produces visible evidence of collision with the deer to any Natural Resources
19 police officer, State law enforcement officer, or other designated representative of the
20 Secretary. The provisions of this subsection shall be applicable to deer killed by
21 collision with a motor vehicle at any time whether during the open season for killing
22 deer or during the legally closed season.

23 (g) A person may not hunt a deer while the deer is taking refuge in or
24 swimming through the waters of the State.

25 [(i)] (H) Upon written request from a federal facility for a variance from the
26 established deer hunting season, the Department shall review the request and may:

27 (1) Approve the request;

28 (2) Deny the request; or

29 (3) Approve the request with conditions.

30 (I) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
31 THE DEPARTMENT SHALL ANNUALLY REPORT AND MAKE RECOMMENDATIONS TO
32 THE LEGISLATIVE POLICY COMMITTEE, THE SENATE EDUCATION, HEALTH, AND
33 ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE HOUSE ENVIRONMENTAL
34 MATTERS COMMITTEE ON:

35 (1) FOR EACH DEER MANAGEMENT REGION AND, AS APPROPRIATE,
36 EACH ZONE WITHIN A REGION, THE STATUS OF THE DEER POPULATION;

1 (2) THE IMPACT AND ANTICIPATED IMPACT OF MANAGEMENT
2 STRATEGIES ON THE POPULATION OF DEER IN EACH DEER MANAGEMENT REGION
3 OF THE STATE;

4 (3) LAW ENFORCEMENT ISSUES; AND

5 (4) CITIZEN RESPONSE TO THE INCREASED HARVEST MEASURES.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect July 1, 2003.